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LEGISLATIVE DEPARTMENT.

The 20th April 1886.

The following Draft Regulation which is under consideration in the Legislative Department is published for general information.

By Order,

S. VENKATVARADAIENGAR,
Secretary.

THE MYSORE LAW AMENDMENT REGULATION, 1886.

Preamble.

WHEREAS it is expedient to amend certain laws in force in the Territories of Mysore, His Highness the Maharaja is pleased to enact as follows:—

Short Title. Local Extent and Commencement.

I. This Regulation may be cited "The Mysore Law Amendment Regulation, 1886," and it shall come into force throughout the Territories of Mysore on the 1st day of 1886.

Repeal of Orders and Notifications.

II. On and from that day, all directions contained in any order or notification heretofore in force in the Territories of Mysore and relating to the construction of, or to the omission of, or to the substitution of, other terms or expressions, for any terms or expressions used in any of the enactments or rules hereunder mentioned, shall, so far as they are inconsistent with this Regulation, be repealed.

Act XX of 1847 (Copy-rights).

III. In Act XX of 1847 (an Act for the encouragement of learning in the Territories subject to the Government of the East India Company by defining and providing for the enforcement of the right called copy-right therein)—

1. In the preamble for the first paragraph substitute "whereas doubts may exist whether the right called copy-right can be enforced in the Territories of Mysore."

2. In Section 2 for the words "Governor-General in Council" read "Government of Mysore" and for the words "them" and "they" substitute "it."

3. In Sections 3 and 11 for the words "Government of India for the Home Department" read "Dewan of Mysore."

4. In Section 6 for the words "Supreme Court of Calcutta" read "Chief Court of Mysore."

5. In Section 7 for the words "highest Local Court exercising original civil jurisdiction" read "principal Civil Court of original jurisdiction."

6. Omit the following:—

(a) throughout the Act all reference to the Act of Parliament 3 and 4 Wm. IV, C. 85;
(b) paras 2 and 4 in the Preamble;
(c) in Section 5 the words commencing with "and shall be of the same force and effect" to the end; and
(d) the whole of Sections 8, 9, 13 and 15.

Act XIII of 1859.

IV. In Act XIII of 1859 (an Act to provide for the punishment of breaches of contract by artificers and workmen and laborers in certain cases)—

1. Omit the following:—In the Preamble, the words "in the several Presidency Towns of Calcutta, Madras and Bombay and in other places;" and in Section 1 the words "resident or carrying on business in any Presidency Town" and "of Police."

2. For Section 5 substitute the following:—

"The powers hereby vested in a Magistrate shall be exercised only by such officer or officers as shall be specially appointed by Government to exercise such powers."

Act XXVII of 1860.

V. In Act XXVII of 1860 (an Act for facilitating the collection of debts on succession, &c.)—

1. For "Local Government" read "Government of Mysore" and for "Sadar Court" read "Chief Court."

2. In Section 7 for "Presidency" read "Territories of Mysore" and omit the words "within which the same is granted."

3. Omit Sections 1, 17, 18, 19 and 20.

4. In Section 24 omit the last two paras being the definitions of "District Court" and "Sadar Court" respectively.

Act XLV of 1860.

VI. In Act XLV of 1860 (the Indian Penal Code) as amended by Acts XXVII of 1870 and Act XIX of 1872—

1. For "British India" read "the Territories of Mysore" in the following parts of the Code:—

the Preamble and Sections 42, 236, 237, 238, 359, 360, 363 and 492.

2. Omit Sections 4, 14, 56, 58, 59, 244 and 245.

3. In Section 1 for the words and figures commencing with and including "the whole of the Territories" to the end substitute "the Territories of Mysore."

4. In Section 3 for the words "passed by the Governor-General of India in Council" substitute "for the time being in force in the said Territories."

5. In Section 5 omit the words and figures commencing with "of the statute 3 and 4 William IV" and ending with "Her Majesty, or" (both inclusive) and after the words local law, add "or of Section 4 of the Indian Penal Code as it is in force in British India."

6. In Section 17 before the words "the word 'Government'" insert "except in cases where it is hereinafter otherwise expressed" and after the words "British India." add "or in the Territories of Mysore."

Act X of 1886, Section 21.

7. In the second clause of Section 40 before the figure 109 the figures 64, 65, 66, 67 and 71 shall be inserted.

Act VIII of 1882, Section 1.

8. In Sections 54 and 55 for the fifteen words commencing with and including "India" substitute "Mysore."

9. In Sections 61 and 62, Government shall mean the Government of Mysore.

Act VIII of 1882, Section 2.

10. In Section 64 for the first 12 words substitute the following, namely :—

"In every case of an offence punishable with imprisonment "as well as fine in which the offender is sentenced to a "fine whether with or without imprisonment,

Act X of 1886, Section 21.

"and in every case of an offence punishable with imprison-"ment or fine or withfine only in which an offender is "sentenced to a fine."

Act VIII of 1882, Section 3.

11. In Section 67 after the words "fine only" insert the words "the imprisonment which the Court imposes in de-"fault of payment of the fine shall be simple, and."

Act VIII of 1882, Section 4.

12. To Section 71 the following clause shall be added :—

"Where anything is an offence falling within two or more "separate definitions of any law in force for the time being "by which offences are defined or punished, or where "several acts of which one or more than one would by "itself or themselves constitute an offence, constitute when "combined a different offence,

"the offender shall not be punished with a more severe "punishment than the Court which tries him could "award for any one of such offences."

Act VIII of 1882, Section 5.

13. In Section 73 for the words "be less than a" the words "shall not exceed one" shall be substituted.

Act X of 1886, Section 22.

14. In Section 75, for the words "or to double the amount of punishment" to the end of the Section, the following shall be substituted, namely :—

"or to imprisonment of either description for a term which may extend to ten years"

15. In Sections 121, 122, 123, 131, 132, 133, 134, 135, 136, 137, 138, 140, and 505 after the words "The Queen" insert the words "or the Military Forces of the Maharaja of Mysore."

16. In Section 121 A—

1. omit the words "within or without British India,"
2. after the words "or any part thereof," insert "or the Maharaja of Mysore of the Territories of Mysore or any part thereof," and
3. after the words "Local Government" insert the words "in British India or the Government of Mysore."

17. In Section 124 after the words "any Presidency" insert "or the British Resident in Mysore or the Dewan of Mysore or any Member of the Maharaja's Council" and after the words "Member of Council" insert "Dewan or any Member of the Maharaja's Council."

18. In Section 124 A and in the explanation under Section 130 after the words "British India" insert the words "or in the Territories of Mysore."

19. In Section 141 after the words "any Presidency" insert the words "or the Government of Mysore."

20. In Sections 161, 162 and 163 after the words "disservice to any person" insert the words "with the Maharaja of Mysore or."

Act VIII of 1882, Section 6.

21. In Section 214 for the Exception the following shall be substituted, namely:—

"Exception.—The provision of Sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded."

Act X of 1886, Section 23.

22. After the first paragraph of Section 216, the following shall be inserted, namely:—

"'offence' in this Section includes also any act or omission of which a person is alleged to have been guilty out of the Territories of Mysore which, if he had been guilty of it in the said Territories, would have been punishable as an offence, and for which he is, under any law for the time being in force in the said Territories, liable to be apprehended or detained in custody in the said Territories; and every such act or omission shall, for the purposes of this Section, be deemed to be punishable as if the accused person had been guilty of it in the said Territories."

Act X of 1886, Section 24.

23. (1) In Section 225 A, the following Sections shall be substituted, namely:—

"225 A. Whoever, being apublic servant legally bound as such public servant to apprehend, or to keep in confinement, any person in any case not provided for in Section 221, Section 222,

or Section 223, or in any other law for the time being in force, omits to apprehend that person or suffers him to escape from confinement, shall be punished.

"(a) if he does so intentionally, with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and

"(b) if he does so negligently, with simple imprisonment for a term which may extend to two years, or with fine, or with both.

"225 B. Whoever, in any case not provided for in Section 224 or Section 225 or in any other law for the time being in force, intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine or with both."

(2) Section 651 of the Code of Civil Procedure is hereby repealed.

Act VIII of 1882, Section 7.

24. In Section 309 for the last seven words the words "or with fine or with both" shall be substituted.

Act VIII of 1882, Section 8.

25. In Section 335 before the word "causes" the word "voluntarily" shall be inserted.

Act VIII of 1882, Section 9.

26. In Section 410 after the words "designated 'as stolen property'" the following words shall be inserted:—

"whether the transfer has been made or the misappropriation or breach of trust has been committed within or without the Territories of Mysore,"

and the words "offence of" shall be omitted.

Act VIII of 1882, Section 10.

27. In Section 435 after the words "or upwards" the following words shall be inserted:—

"or (where the property is agricultural produce) ten rupees or upwards."

28. Omit Section 14 of Act XXVII of 1870.

Act VI of 1864.

VII. In Act VI of 1864 (an Act to authorize the punishment of whipping in certain cases)—

For "any Local Government" and "such Local Government" read "the Government of Mysore."

Act X of 1865.

VIII. In Act X of 1865 (the Indian Succession Act)—

1. Throughout the Act for the words " British India, "

in Sections 180 and 225 for the words " the Province, "

in Section 210 for the words " the Province in which application for probate is made,"

in Section 212 for the words " the Province in which the application is made " and " the Province,"

in Section 223 for the seventeen words beginning with and including the words " the Province," and

in Section 242 for the words " the Province in which the same is granted,"

substitute the words " the Territories of Mysore,"

2. For " Local Government " and " Governor-General of India in Council" read " Government of Mysore;"

For " High Court " read " Chief Court " and for " Gazette of India " read " Official Gazette."

3. Omit the following :—

in Section 3 the interpretations of " Province "; "British India ", " Local Government " and " High Court,"

in Section 308 the words " unless the legatee be a ward of the Court of Wards," " and if the legatee be a ward of the Court of Wards, the legacy shall be paid into that Court to his account", "or into the Court of Wards as the case may be " and " or the Court of Wards as the case may be,"

the whole of Sections 329 and 330.

4. In Sections 10 and 12, after the words " Her Majesty's " insert the words "or His Highness the Maharaja's."

5. In Section 332, for "he" substitute "it."

Act XI of 1865.

IX. In Act XI of 1865 (relating to the Court of Small Causes)—

1. Omit the following :—

Sections 15, 16, 17, 29, 30, 31, 32, 33, 34, 48, 49, 50, 51 and 52 ;

in the preamble, the sixteen words commencing with the word " beyond ;".

in Section 1, the interpretations of "Local Government" and "High Court ;".

in Section 3, the words "with the previous sanction of the Governor-General of India in Council;"

in Section 12, the whole of the proviso;

in Section 13, the last nineteen words of the first para; and the whole of the second para;

in Sections 14 and 44, the words "or in Territories under the immediate administration of the Government of India, of the Chief Commissioner or other principal Civil authority;"

in Section 14, the words "or Chief Commissioner or other authority as aforesaid;"

in para 1 of Section 37, the words "and there is no person invested with the powers of a Judge as aforesaid;"

in para 2 of the same section, the words "or for any person invested with the powers of a Judge as aforesaid;" and

in para 3 of the same section, the words "or other person empowered as aforesaid;"

in Section 38, the words "and there be no person invested with the powers of a Judge as aforesaid;"

in Section 39, the words "and there be no person invested with the powers of a Judge as aforesaid," "or such other person", and "or other person empowered as aforesaid;"

in Section 40, the words "or when there is no Judge, of any person invested with the powers of a Judge as aforesaid;"

in the proviso to Section 41, the words "or when there is no Judge, the person invested with the powers of a Judge;"

in Section 43, the words "or when there is no Judge, by the person invested with the powers of a Judge as aforesaid."

2. Throughout the Act for "Local Government" read "Government of Mysore" and for "High Court" read "Chief Court."

3. Substitute,

in Section 3, for the words "under such Government," the words "of Mysore;"

in Section 4, for the words "the language of the Court," the word "Canarese;"

in Sections 13, 35 and 44, for the word "Governor-General of India in Council," the words "Government of Mysore;" and

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in Section 37, for the words "twenty-seven to thirty-two" the words "fity-one to fiity-four, fifty-seven and four hundred and thirty-five."

4. Add the following section to the Act:—

"54. On and from the 1st day of January 1886, this Act shall have the force of law throughout the Territories of Mysore and the provisions thereof shall, so far as they are applicable, apply to the Courts of officers invested with the powers of a Court of Small Causes under the Mysore Civil Courts' Regulation, 1883, or other law for the time being in force."

Act V of 1866. X. In Act V of 1866 (an Act to amend, in certain respects, the Commercial law of British India)—

1. In the preamble, for "British India," read "the Territories of Mysore."

2. Omit Section 1.

Act XXI of 1866. XI. In Act XXI of 1866 (an Act to legalize under certain circumstances the dissolution of marriages of Native converts to Christianity)—

1. For "British India," read "the Territories of Mysore" and for "High Court," read "Chief Court."

2. In Section 3, omit the interpretation of High Court.

3. In Section 6, omit the words "If the respondent at the time of the commencement of such suit reside within the local limits of the ordinary original civil jurisdiction of any of the High Courts of judicature, the suit shall be commenced in such court, otherwise," and for the word "it" substitute the words "such suit."

4. In Section 31, omit the words "if such Court be the High Court at any of the Presidency Towns," and for the word "Vakil," substitute the word "Pleader."

5. Omit Section 35.

Act III of 1867. XII. In Act III of 1867 (an Act to provide for the punishment of public gambling and the keeping of common gaming houses, &c.)—

1. For "Lieutenant-Governor or Chief Commissioner, as the case may be," and "Lieutenant-Governor or Chief Commissioner," read "Government of Mysore."

2. In the preamble for the words commencing with "respectively" and ending with "British Burma" (both inclusive) substitute "of Mysore."

3. In Section 1, omit the interpretations of "Lieutenant-Governor" and "Chief Commissioner."

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4. For the first para of Section 2, substitute the following:—

"It shall be competent to the Government of Mysore, whenever it thinks fit, to extend by a notification to be published in three successive numbers of the official Gazette all or any of the provisions of this Act to any city, town, suburb, railway station house, and place being not more than three miles distant from any part of such station-house within the Territories of Mysore, and in such notification to define for the purposes of this Act the limits of such city, town, suburb, or station-house, and from time to time to alter the limits so defined."

5. Omit Section 18.

Act XXV of 1867. XIII. In Act XXV of 1867 (an Act for the Regulation of Printing Presses and Newspapers, &c.)—

1. For "British India" read "the Territories of Mysore," for "Local Government," read "Government of Mysore" and for "High Court of Judicature," read "Chief Court."

2. In Sections 21 and 22, for "Governor-General of India in Council," read "Government of Mysore" and for "Gazette of India," read "Official Gazette."

3. Omit the following:—

in Section 1, the interpretations of "British India" and "Local Government" and the words "a Magistrate of Police, and;"

the whole of Section 2; and in Section 17, the words "if for offences committed outside the local limits of the Towns of Calcutta, Madras and Bombay" and "and if for offences committed within those limits in the manner prescribed by any Act for regulating the Police of such Towns in force for the time being."

Act I of 1868. XIV. In Act I of 1868 (the General Clauses Act, 1868)—

1. In the preamble and in Sections 2 and 3, after the words "Acts made by the Governor-General of India in Council," insert "and extended to Mysore."

2. In Section 1 omit the following:—

I. The interpretation of "Local Government" and "High Court" in clauses (10) and (11) and—

II. The second sentence in clause (12).

3. Add the following Sections:—

Section 7. In all Regulations passed by His Highness the Maharaja whether before or after the coming of this Regulation into operation,

"Maharaja" shall mean the sovereign for the time being of the Mysore State;

"Chief Court" shall mean the Chief Court constituted under the Mysore Chief Court Regulation, 1884;

"the Territories of Mysore" shall mean the whole of the Territories subject to the jurisdiction of His Highness the Maharaja.

Section 8. All Regulations passed by His Highness the Maharaja as aforesaid shall be construed and enforced in accordance with the provisions of Act I of 1868 so far as they are applicable and not otherwise.

Act VII of 1870. XV. In Act VII of 1870 (the Court Fees' Act)—

1. For "British India" read "the Territories of Mysore,"

for "Collector" read "Deputy Commissioner,"

for "a High Court" and "the High Court" read "the Chief Court,"

for "Local Government" read "Government of Mysore,"

for "the Chief Controlling Revenue authority," "Chief Controlling Revenue or Executive authority" and "Chief Controlling Executive or Revenue authority" read "Government of Mysore" and

for "Gazette of India" read "the official Gazette."

2. Omit Chapter II.

3. In Section 6, omit the words "except in the Courts hereinbefore mentioned."

4. In paragraph iv of Section 7, omit the words—

"In all such suits the Plaintiff shall state the amount at which he values the relief sought, and the provisions of the Code of Civil Procedure, Section thirty-one, shall apply as if, for the word 'claim' the words 'relief sought' were substituted;" and in the Proviso to paragraph v of the same section for the words "the Territories subject to the Governor of Bombay in Council," substitute "parts of the Territories of Mysore where a Survey Settlement has been made."

5. In Section 19, omit Clauses ii, iv, v, vi, vii and xxiii; and in Clause xvi of the same section, omit the words "in the Territories respectively subject to Governors in Council of Madras and Bombay;" and in Clause xxi of the same section, omit the words "against the Chaukidari assessment under Act XX of 1856 or."

6. After Section 19, insert the following sections :—

Relief where too high a Court-fee has been paid.

19 A. Where any person, on applying for the probate of a will or letters of administration, has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a court fee thereon, if within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Government of Mysore,

and delivers to the Government of Mysore a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation,

and if the Government of Mysore is satisfied that a greater fee was paid on the probate or letters than the law required,

the Government of Mysore may—

(a) cancel the stamp on the probate or letters, if such stamp has not been already cancelled ;

(b) substitute another stamp for denoting the court fee which should have been paid thereon ; and

(c) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at its discretion.

Relief where debts due from a deceased person have been paid out of his estate.

19 B. Whenever it is proved to the satisfaction of the Government of Mysore that an executor or administrator has paid debts due from the deceased to such an amount as, being deducted out of the amount of value of the estate, reduces the same to a sum which, if it had been the whole gross amount, or value of the estate, would have occasioned a less court fee to be paid on the probate or letters of administration granted in respect of such estate, than has been actually paid thereon under this Act, the Government of Mysore may return the difference, provided the same be claimed within three years after the date of such probate or letters.

But when, by reason of any legal proceeding, the debts due from the deceased have not been ascertained and paid, or his effects have not been recovered and made available, and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the Government of Mysore may allow such further time for making the claim as may appear to be reasonable under the circumstances.

Relief in case of several grants.

19 C. Whenever such a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full

fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act, when a like grant is made in respect of the whole or any part of the same property belonging to the same estate;

whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

Probates declared valid as to trust-property, though not covered by Court-fee.

19 D. The probate of the will, or the letters of administration of the effects of any person deceased, heretofore or hereafter granted, shall be deemed valid and available by his executors or administrators for recovering, transferring, or assigning any movable or immovable property whereof or whereto the deceased was possessed, or entitled, either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included in the amount or value of the estate, in respect of which a court fee was paid on such probate or letters of administration.

Provision for case where too low a Court-fee has been paid on probates, &c.

19 E. Where any person, on applying for probate or letters of administration, has estimated the estate of the deceased to be of less value than the same has afterwards proved to be, and has in consequence paid too low a court fee thereon, the Government of Mysore may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full court-fee, which ought to have been originally paid thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or if it or they is or are produced after one year from such date, of twenty times, such proper court-fee, without any deduction of the court-fee originally paid on such probate or letters:

Provided that, if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a court-fee was at first paid on the probate or letters, and if the Government of Mysore is satisfied that such fee was paid in consequence of a mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, and without any intention of fraud or to delay the payment of the proper court-fee, the Government of Mysore may remit the said penalty, and cause the probate or letters to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

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Administrator to give proper security before letters stamped under Section 19 E.

19 F. In case of letters of administration on which too low a court-fee has been paid at first, the Government of Mysore shall not cause the same to be duly stamped in manner aforesaid, until the administrator has given such security to the Court by which the letters of administration have been granted as ought by law to have been given on the granting thereof, in case the full value of the estate of the deceased had been then ascertained.

Executors, &c., not paying full court-fee on probates, &c., within six months after discovery of under-payment.

19 G. Where too low a court-fee has been paid on any probate or letters of administration in consequence of any mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters does not, within six months after the first day of 1886, or after the discovery of the mistake, or of any effects not known at the time to have belonged to the deceased, apply to the Government of Mysore and pay what is wanting to make up the court-fee which ought to have been paid at first on such probate or letters, he shall forfeit the sum of one thousand rupees, and also a further sum at the rate of ten rupees per cent on the amount of the sum wanting to make up the proper court-fee.

7. In Section 20, omit the words "and sanctioned by the Governor-General of India in Council."

8. In Section 21 for the word "Vernacular" substitute the word "Canarese."

9. In Section 22, omit the words "and the Governor-General of India in Council."

10. In Section 23, omit the words "and approved by the Local Government and the Governor-General of India in Council."

11. In Section 25, omit the words "referred to in Section 3 or."

12. In Sections 26 and 35 for "Governor-General of India in Council" read "Government of Mysore."

13. In Section 27 after the word "supply" insert the words "and sale," and omit the Proviso.

14. Omit Sections 32, 34 and 36.

15. In Schedule I,

(1) in No. 2 for the words and figures "Act XIV of 1859 (to provide for the limitation of suits) Section fifteen" substitute "the Specific Relief Act, 1877, Section 9;"

(2.) omit No. 10;

(3.) in No. 12, omit the words and figures "or under Bombay Act VIII of 1827 (to provide for the formal recognition of heirs, executors, and administrators and for the appointment of administrators and managers of property by the Courts)."

16. In Schedule II,

(1.) in clause (*a*) of No. 1, omit the words and figures "or to any Cantonment Magistrate sitting as a Court of Civil Judicature under Act No. III of 1859" and "or under Act No. XVI of 1868, Section twenty," and in clause (C) of the same No. omit the words "a Chief Commissioner or other" and "or Circuit on to any Chief officer charged with the executive administration of a Division."

(2.) in No. 3 clause (*b*), omit the words "a Commissioner or;"

(3.) omit Nos. 4, 7, 8, 9, 13, 20 and 21;

(4.) in No. 10 clause (*b*), omit the words "Circuit or Customs or to any officer charged with the executive administration of a Division not being the chief revenue or executive authority" and in clause (*c*) of the same number, omit the words "Chief Commissioner, Board of Revenue" and the word "other;"

(5.) in No. 11, clause (*b*), omit the words "Chief Commissioner or other;" and

(6.) in No. 17, clause (*i*), omit the words "not established by Letters Patent."

Act X of 1870. XVI. In Act X of 1870 (The Land Acquisition Act, 1870)—

1. For "British India" read "the Territories of Mysore," for "Collector" read "Deputy Commissioner," for "Local Government" read "Government of Mysore" and for "the High Court" read "the Chief Court."

2. In Section 2, omit the words and figures "and Act No. XXII of 1863 (to provide for taking land for works of public utility to be constructed by private persons or companies and for regulating the construction and use of works on land so taken)," and before "Act No. II of 1861" insert the word "and."

3. In Section 3, in the interpretation of the expression "Collector," omit the words "a Deputy Commissioner and;" in the interpretation of the expression "Court," omit the words "in the Regulation Provinces British Burma and

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Sindh" and the words, "and in the Non-regulation Provinces other than British Burma and Sindh the Court of a Commissioner of a Division;" and

for the words "the guardians of minors and the committees of" substitute "the guardians of minors, lunatics, or idiots, and managers appointed for the administration and management of the estates of minors."

4. In Sections 46 and 49, omit the words "subject to such rules as the Governor-General of India in Council may, from time to time, prescribe in this behalf," and in the latter section for "Secretary of State for India in Council," substitute "Government of Mysore."

5. In Section 50, omit "in the Gazette of India and also."

6. In Section 53, omit the words "or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police" and the words "or Commissioner (as the case may be)."

7. In Section 59, omit the words "when sanctioned by the Governor-General in Council."

Act XXIII of 1870. XVII. In Act XXIII of 1870 (The Indian Coinage Act, 1870)—

1. Omit Sections 2 to 11 (both inclusive), Sections 19 to 27 (both inclusive), and Section 28 except clause 4.

2. In Section 13, omit the word "said."

3. In Section 16, omit the words "the Governor-General in Council or" and for "Local Government" and "the Governor-General in Council," read "Government of Mysore."

4. The "Rupee," "half rupee," "quarter rupee," "eighth of a rupee," "double pice," "pice," "half pice" and "pie" referred to in Sections 13 and 14 shall mean respectively the "rupee," "half rupee," "quarter rupee," "eighth of a rupee," "double pice," "pice," "half pice" and "pie" coined and issued under the authority of the Government of India.

Act I of 1871. XVIII. In Act I of 1871 (The Cattle Trespass Act, 1871)—

1. For "British India" read "the Territories of Mysore"; and for "Local Government" read "Government of Mysore."

2. In Section 1, omit the words "the Presidency towns" and the words "with the sanction of the Governor-General in Council."

3. Omit Section 2.

4. In Section 6, omit the words "in the Presidency of Fort St. George, the heads of villages and in the Presidency of Bombay."

Act XXIII of 1871.

XIX. In Act XXIII of 1871 (The Pensions Act) :—

1. For "British India" read "the Territories of Mysore," for "Local Government," "Chief Revenue authority" and "Chief Controlling Revenue authority" read "Government of Mysore."

Act XXVI of 1871 and Act XXI of 1876.

XX. In Act XXVI of 1871 (The Land Improvement Act, 1871) as amended by Act XXI of 1876 (an Act to amend the Land Improvement Act, 1871) :—

1. For "Local Government" read "Government of Mysore" and for "Collector" read "Deputy Commissioner" and in the interpretation of "Collector" for the words "mean the Collector of Land Revenue or the Deputy Commissioner or" substitute the word "includes."

2. In Section 18, omit the words "with the previous sanction of the Governor-General in Council" and "with the same sanction."

Acts I and XVIII of 1872.

XXI. In Act I of 1872 (The Indian Evidence Act, 1872) as amended by Act XVIII of 1872 (The Indian Evidence Act Amendment Act) :—

1. The expression "Local Government" shall include "the Government of Mysore;"

For "High Court" read "Chief Court."

In Sections 1 and 2, for "British India" read "the Territories of Mysore."

2. In Section 1, omit the words "including Court-martial".

3. In Section 2, omit clauses (2) and (3).

4. In Sections 23, 126 and 150 after the word "barrister" and in Section 66 after the word "attorney," insert the word "advocate"; in Section 127 after the word "barristers" insert the word "advocates"; and in Section 128 after the words "calls any such barrister," insert the word "advocate"; and after the words "questions such barrister" insert the words "advocate, pleader."

5. In Section 57 :—

in clause (1), after the words "British India" insert the words "or the Territories of Mysore;"

in clause (2), after the words "directed by Parliament" insert "or the Government of Mysore;"

in clause (5), after "Ireland" insert "or of the Territories of Mysore;"

in clause (6), after "Courts of British India" insert "and of the Territories of Mysore," and after "in British India" insert "or in the Territories of Mysore;"

in clause (7), after "British India" insert "or the Territories of Mysore," and

in clause (10), after "Crown" insert "or the Maharaja of Mysore."

6. In Section 65 clause (1), in Section 74 clause (2), in Section 78 clause (5), in Section 79, in Section 91 exception 2, after "British India" insert "or in the Territories of Mysore" and in Section 74 clauses 1 and iii, after "British India" insert "or of the Territories of Mysore."

Act IX of 1872. XXII. In Act IX of 1872 (the Indian Contract Act)—

1. For "British India" read "the Territories of Mysore."

2. "Local Government" includes "the Government of Mysore."

3. In Explanation to Section 265, for "District" substitute "subordinate."

Act XV of 1872. XXIII. In Act XV of 1872 (The Indian Christian Marriage Act, 1872)—

1. For "British India" read "the Territories of Mysore," and for "a Local Government," "the Local Government" and "the Secretary to the Local Government" read "the Government of Mysore."

2. Omit the following:—

in Section 3, the interpretation of "Native State";

in Section 37, the words "instead of proceeding in the manner provided by Section twenty-eight to thirty-six both inclusive;"

in Section 49, the words "a Judge of the High Court or";

the second paragraph of Section 65;

in Section 81, the words "and the officers appointed under Section fifty-six;" and the third paragraph; and the whole of Section 87.

3. Substitute the following:—

In the Government of India, Foreign Department, Judicial Notification, No. 176, dated the 31st December 1875,

introducing the aforementioned Act into the Territories of Mysore, for the words "Section 1," the words "Section 1 paragraph 2."

In Section 81, for the word "them," the word "it."

Act V of 1873. XXIV. In Act V of 1873 (The Government Savings Banks Act, 1873)—

1. For "British India" read "the Territories of Mysore," and for "Governor-General in Council" read "the Government of Mysore."

2. Omit Section 2, and in Section 5, the words "or the said Act XXVI of 1855."

3. In Section 12 for "Committee" substitute "Guardian."

Act X of 1873. XXV. In Act X of 1873 (The Indian Oaths Act, 1873)—

1. For "British India" read "the Territories of Mysore" and for "High Court" read "Chief Court."

2. Omit Sections 2 and 3, clause (*b*) of Section 4, and the Explanation in Section 7.

Act I of 1877. XXVI. In Act I of 1877 (the Specific Relief Act, 1877)—

1. Omit paras 2 and 3 of Section 1.

2. In Section 2, for the words "that day" substitute the words "the 1st day of June 1878."

3. In Section 56 the expression "Local Government" shall be deemed to mean the Government of Mysore and also any person authorized by law to administer executive Government in any part of British India.

Act III of 1877. XXVII. In Act III of 1877 (The Indian Registration Act, 1877) as amended by Act XII of 1879—

1. For "British India" read "the Territories of Mysore" and for "Local Government" read "Government of Mysore."

2. Omit the following:—

in Section 1, the words "with the previous sanction of the Governor-General in Council," and para 3;

in Section 3, the thirteen words commencing with and including "'District Court' includes,"

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in Section 4, paragraphs 3 and 4;

the whole of Section 9;

in Section 10, the words "other than the Registrar of a District including a Presidency town" and paragraphs 4 and 5;

in Section 14, the words "subject to the approval of the Governor-General in Council";

in Section 29, the words under the "Local Government;"

in Section 30, clause (*b*) the words "and the Registrar of the Lahore District;"

in Section 69, the words "in the Territories under the Local Government;"

in Section 78, the words "subject to the approval of the Governor-General in Council" and "subject to the like approval;"

in Section 83, the words "the branch Inspector General of Sindh," "if for offences committed outside the limits of the Presidency towns," and from and including "and if for offences" to the end of the Section;

in Section 88, the words "or for the Administrator General of Bengal, Madras, or Bombay, or for any Official Trustee or Official Assignee, or for the Sheriff, Receiver, or Registrar of a High Court," and "Administrator General, Official Trustee, Official Assignee, Sheriff, Receiver, or Registrar, as the case may be;" and the whole of Section 92.

3. In Section 2, for the words "that day" and "the first day of April 1877" respectively substitute the words "the thirteenth day of June 1878."

4. In Section 15, for the words such "other language as the Local Government directs" and in Section 79 for the words "the vernacular language of the District" respectively substitute the word "Canarese".

Act VII of 1886, Section 3.

5. In Section 58, for the words "or a copy of a certificate under the Land Improvement Act, 1871, sent by the Collector to be registered" substitute the following words, namely :—

"or a copy sent to a registering officer under Section 89".

6. In para 10 of Section 3, insert the word "and" after the words "mother's name".

Act VII of 1886, Section 2.

7. After clause (*f*) of Section 17, insert the following clause, that is to say :—

"(ff) any debenture issued by any such Company and not creating, declaring, assigning, limiting or extinguishing any right, title, or interest to or in immovable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed, or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures, or."

Act VII of 1886, Section 4.

8. After clause (l) of Section 17, insert the following clause, that is to say :—

"(n) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage."

Act VII of 1886, Section 5.

9. In the second paragraph of Section 50 "(ff)" shall be inserted between "(f)" and "(g)" and for the word and letter "and (l)" the letters and word "(l) and (n)" shall be substituted.

Act VII of 1886, Section 6.

10. (1) After clause (d) of Section 90, insert the following clause, that is to say :—

"(e) notices given under Section 72 or Section 74 of the Mysore Land Revenue Regulation, 1886, of relinquishment of occupancy by occupants, or of alienated land by holders of such land."

(2) In Section 91, for the word and letter "and (c)" substitute the letter and word "(c) and (e)."

Act XV of 1877.

XXVIII. In Act XV of 1877 (The Indian Limitation Act, 1877) as amended by Act XII of 1879—

1. For "British India" read "the Territories of Mysore," for "Collector" read "Deputy Commissioner", for "a High Court" read "the Chief Court", and for "Secretary of State for India in Council" read "the Government of Mysore."

2. In Section 2, for the words "that day" substitute "the first day of January 1878," and for the words "October 1877" substitute "January 1878."

3. Omit the following :—

in Section 1, paras 2 and 3, except the first eight words in para 2.

in Section 2, the words and figures "mentioned in No. 146 of the second schedule hereto annexed may be brought within five years next after the said first day of October 1877, unless where the period prescribed for such suit by the said Indian Limitation Act, 1871, shall have expired before the completion of the said five years; and any other suit;"

in the second Schedule, articles 1, 4, 20, 21, 33, 45, 46, 146, 151, 162, 177 and 180,

the words and figures "or, under the Probate and Administration Act, 1881, Section 139 or 140," in article 43,

the words "or the Bombay Mamalatdars' Courts Act," in article 47.

the words "instituted in a Court not established by Royal Charter," in article 135,

the words and figures "except in the cases provided for by No. 162," in article 173, and

the words and figures "not provided for by No. 180 or by the Code of Civil Procedure under Section 230" in article 179.

4. In the Notification of the Government of India, Foreign Department No. 174 J, dated the 26th October 1877, the following shall be cancelled:—

"'for the words' the Court of a District Judge shall be read 'the Court of a Commissioner or Deputy Commissioner'".

Act I of 1878. XXIX. In Act I of 1878 (the Opium Act, 1878)—

1. For "Local Government" read "Government of Mysore"; and for "Gazette of India" and "Local Gazette" read "Official Gazette".

2. In Section 3, alter the interpretation of "Import", "Export" and "Transport" as follows:—

"'Import' means to bring into the Territories of Mysore from any place beyond the frontier thereof";

"'Export' means to take out of the Territories of Mysore to any place beyond the frontier thereof"; and

"'Transport' means to remove from one place to another within the Territories of Mysore."

3. In Sections 5, 8 and 13 omit the words "with the previous sanction of the Governor-General in Council."

4. In Section 5, for the words "administered by such Government" substitute the words "of Mysore."

5. In Section 6 for "the Governor General of India in Council" read "the Government of Mysore" and for "he" substitute "it."

6. For Section 7 substitute the following :—

"The Government of Mysore may, by Notification published in the Official Gazette,

(a) establish ware-houses for opium by declaring any place to be a ware-house for all or any opium legally imported, whether before or after the payment of any duty leviable thereon, into the Territories of Mysore, or into any specified part thereof or intended to be exported thence, and,

(b) cancel any such declaration. So long as such declaration remains in force, the owner of all such opium shall be bound to deposit it in such ware-house".

Act I of 1879. XXX. In Act I of 1879 (The Indian Stamp Act, 1879)—

1. For "the Local Government" and "Every Local Government" read "the Government of Mysore". For Gazette of India" read "Official Gazette". For "a High Court" and "the High Court or Chief Court" read "the Chief Court", For "Governor General in Council" read Government of Mysore".

2. Omit the following :—

(a) in Section 10, clause (c) ;

(b) in Sections 33 and 34, the words "or Chapter eighteen of the Presidency Magistrate's Act";

(c) in Section 55, the words "subject to the control of the Governor General in Council"

(d) in Section 71, the words "or Presidency town";

(e) in Schedule I, No. 5 (b), the words "in a village in the Bombay Presidency";

(f) in the same schedule, Nos. 9 and 27 ; and

(g) in No. 31 of the same schedule, the words "except articles of clerk-ship (No. 9 of this schedule)."

3. For Clauses (7) and (8) of Section 3, substitute the following Clauses respectively :—

"'Chief Controlling Revenue authority' means the Government of Mysore or such officer as the Government of Mysore may, from time to time, by Notification in the Official Gazette, appoint in this behalf by name or in virtue of his office.

'Collector' means a Deputy Commissioner or any officer whom the Government of Mysore may, from time to time by Notification in the Official Gazette, appoint in this behalf by name or in virtue of his office".

4. For Section 46, substitute the following :—

"The Government of Mysore may state any case referred to it under Section 45 or otherwise coming to its notice and refer such case with its own opinion thereon to the Chief Court.

"Every such case shall be decided by not less than three Judges of the Chief Court and in case of difference, the opinion of the majority shall prevail."

5. For paragraph 2 of Section 57, substitute the following :—

"All rules made under this Act shall be published in the Official Gazette and shall, upon such publication, have the force of law."

6. In Section 60, for the words "the principal vernacular languages of the territories administered, by it" substitute the word "Canarese."

7. For the word "India" in No. 48 of the first Schedule, substitute the words "the Territories of Mysore."

Act IV of 1879. XXXI. In Act IV of 1879 (the Indian Railway Act)—

1. For "Local Government" read "Government of Mysore;" for "Gazette of India" read "Official Gazette"; and for "Governor General in Council" read "Government of Mysore".

2. In Sections 9 and 17, for the words "the principal vernacular language of the district in which the station is situate" and "the principal vernacular language of the district in which the ticket is issued" respectively, substitute "Canarese."

3. In Section 18, the expression "Her Majesty" shall include His Highness the Maharaja of Mysore.

4. In Section 52, omit the words "the Governor General in Council or" and the words "with the previous sanction of the Governor General in Council".

5. Omit Section 53.

Madras Act I of 1873. XXXII. In Madras Act I of 1873 (an Act to prevent the indiscriminate destruction of wild elephants)—

1. For "Local Government" substitute "Government of Mysore;" for "Presidency of Madras" and "Territories for the time being subject to the Government of the Pre-

sidency of Fort Saint George" substitute "Territories of Mysore"; for "first day of October 1873" substitute "twenty-second day of May 1874"; and for "Collector or other officer in charge" and "Collector or other officer" substitute "Deputy Commissioner".

The Madras Coffee Stealing Prevention Act VIII, 1878.

XXXIII. In the Government of India Foreign Department Notification No. 130 I. J., dated 9th June 1879, introducing into the Territories of Mysore the Coffee Stealing Prevention Act VIII of 1878, for the words "Governor General in Council" after "the words" substitute "Government of Mysore".

Bengal Act I of 1869 (To prevent cruelty to animals).

XXXIV. In the Government of India, Foreign Department Notification No. 7 J., dated the 5th February 1878, introducing into Mysore Bengal Act I of 1869, omit all reference to the Cantonment of Bangalore and for "Chief Commissioner" and "Chief Commissioner of Mysore" substitute "Government of Mysore".

Bangalore Municipal Regulation of 1871.

XXXV. In the Bangalore Municipal Regulation of 1871—

1. All reference to the Cantonment of Bangalore shall be omitted and such verbal alterations shall be made therein as may be necessary in consequence of such omission.

2. Omit the following :—

in the preamble, the word "Police";

in Section 10, the words "with the branch of the Madras Bank established at Bangalore or," "as may hereafter be appointed by the Chief Commissioner of Mysore" and "Bank or"

in Sections 34, 36, 44, 48, 56, 63 and 81 the provisions requiring the sanction of the Government of India; and the whole of Section 92.

3. In Sections 88 and 91 for "Government of India" read "Government of Mysore".

In Section 113 for "Superintendent of Police" read "District Magistrate of Bangalore".

Rules for the control of prostitutes, &c.

XXXVI. In the Rules for the inspection and control of prostitutes and brothels and for the prevention of venereal diseases, &c.—

1. Local Government shall mean the Government of Mysore; and Superintendent of Police shall mean the Deputy Commissioner of Bangalore or other officer appointed by Government to discharge the duties of a Superintendent of Police.

2. Omit all references to the Cantonment of Bangalore in the aforementioned rules and in the subsidiary rules, dated the 2nd April 1874, framed thereunder.

3. To Section 66 the following shall be added :—

"Provided that these rules shall not affect the area known as the Civil and Military Station of Bangalore."

4. In the subsidiary rules, dated 2nd April 1874, framed under the aforementioned rules Section XI for "Section 29 of the Police Act" substitute "Section 25 of the Rules for the organization of Regular Police."

Rules relative to the custody and guardianship of minors, &c.

XXXVII. In the Rules relative to the custody and guardianship of minors, idiots, &c.—

1. For Section 5 substitute the following :—

"Applications under these rules shall ordinarily be made to the District Judge within whose local jurisdiction the greater part of the property of the minor is situate or the minor resides: Provided that the Government of Mysore may, from time to time by notification in the Official Gazette, order that all or any of such applications shall be made to such Subordinate Judge as may be mentioned in the notification, and may cancel or vary such order. Such applications shall thereupon be made accordingly."

Vide para 11 of the Rules published in Government of India F.D. No 235 I. J., dated 27th August 1879.

2. In Section 13 for the last 17 words substitute the following :—

"be guided by the provisions of the Code of Civil Procedure Chapter XXXI."

3. Omit the second sentence in Section 22 and the whole of Section 23.

4. After Section 22 add the following sections :—

"23. The Court, to which an application has been made under Section 2 or 3 in respect of a lunatic possessed of property, may institute an inquiry for the purpose of ascertaining whether such person is or is not of unsound mind and incapable of managing his affairs.

"24. When the Court is about to institute any such enquiry as aforesaid, it shall cause notice to be given to the alleged lunatic of the time and place at which it is proposed to hold the enquiry. If it shall appear that the alleged lunatic is in such a state that personal service on him would be ineffectual, the Court may direct such substituted service of the notice as it shall think proper." The Court may also direct a copy of such notice to be served upon any relative of the alleged lunatic.

"25. The Court may require the alleged lunatic to attend at such convenient time and place as it may appoint for the purpose of being personally examined by the Court or by any person from whom the Court may desire to have a report of the mental capacity and condition of such alleged lunatic.

The Court may likewise make an order authorizing any person or persons therein named to have access to the alleged lunatic for the purpose of a personal examination.

"26. The attendance and examination of the alleged lunatic under the provisiens of the last preceding section shall, if the alleged lunatic be a woman who, according to the manners and customs of the country, ought not to be compelled to appear in public, be regulated by the rules in force for the examination of such persons in other cases.

"27. The Court, if it think fit, may appoint two or more persons to act as Assessors to the Court in the said enquiry.

Upon the completion of the enquiry, the Court shall determine whether the alleged lunatic is or is not of unsound mind, and may make such order as to the payment of the costs of the enquiry by the person upon whose application it was made or out of the estate of the alleged lunatic, if he be adjudged to be of unsound mind, or otherwise, as it may think proper.

"28. If the alleged lunatic reside at a distance of more than fifty miles from the place where the Court to which the application shall have been made is held, the said Court may issue a commission to any subordinate Court, to make the enquiry, and thereupon the said subordinate Court shall conduct the enquiry in the manner hereinbefore provided.

On the completion of the enquiry, the subordinate Court shall report its proceedings, with the opinions of the Assessors, if Assessors have been appointed, and its own opinion on the case, and thereupon the Court shall make such order in the case as it may think proper.

"29. All orders passed by the Courts under these Rules shall be open to appeal to the Chief Court and shall be subject to the provisions of the Code of Civil Procedure regarding appeal from decrees."

Rules for punishment of the breach of Salt laws.

XXXVIII. In the Rules for punishment of the breach of Salt laws—

1. In Section 2 for the words "of the Madras Presidency" substitute "in British India."

Rules relating to Lunatics.

XXXIX. In the Rules for the Reception and Detention of Lunatics in the Province of Mysore —

1. For "Judicial Commissioner" read "Chief Judge of the Chief Court."

2. In Section 1 omit the words "with the previous sanction of the Government of India" and for "he" substitute "it".

Rules relating to Paper Currency and Manufacture of Fireworks.

XL. In the Rules regarding paper currency of 1879 and in the Rules for restraining the manufacture and sale of fireworks of 1879, omit all reference to the Cantonment of Bangalore.

XLI. In all the Rules having the force of law in the Territories of Mysore for "Chief Commissioner" read "Government of Mysore".